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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.    |
|---|-------------|----------------------|---------------------|---------------------|
| 10/643,753  | 08/19/2003  | Darren Lochun        | NAC-449             | 3936                |
| 21323   | 7590        | 04/26/2004           | EXAMINER            |                     |
| TESTA, HURWITZ & THIBEAULT, LLP<br>HIGH STREET TOWER<br>125 HIGH STREET<br>BOSTON, MA 02110 |             |                      |                     | FERGUSON, MARISSA L |
| ART UNIT  |             | PAPER NUMBER         |                     |                     |
| 2854  |             |                      |                     |                     |

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/643,753             | LOCHUN ET AL.       |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Marissa L Ferguson     | 2854                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 August 2003.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ .  |

## DETAILED ACTION

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “one or more bearers” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,3-5,7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Shively et al. (US Patent 2004/0003734).

Regarding claim 1, Shively et al. teaches providing a substrate (12,28) and printing a trace of electrically pigmented ink on the substrate using letterpress printing technique (Abstract, Page 1, Paragraph 0006-0007 and Page 2, Paragraph 0017).

Regarding claim 3, Shively et al. teaches electrically pigmented ink comprises a conductive pigment, a resistive pigment or a dielectric pigment (Page 1, Paragraph 0007 and Page 3, Paragraph 0031).

Regarding claim 4, Shively et al. teaches wherein a substrate resists ink debossing (Page 2 Paragraphs 0018, 0019 and 0022-0024 and Page 5, Claim 34).

Regarding claim 5, Shively et al. as broadly recited teaches wherein a printing plate has a durometer that maximizes ink transfer onto the surface of the substrate (Abstract).

Regarding claim 7, Shively et al. teaches providing a letterpress printing plate, wherein the printing plate image density limits electrically pigmented ink squeeze-out (squeeze-out defined as pressure in specification [Abstract, Page 3, Paragraph 0025 and Page 4, Claims 1 and 17]).

Regarding claim 8, Shively et al. teaches wherein the letterpress printing technique comprises letterpress printing (Page 2, Paragraph 0022).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shively et al. (US Patent 2004/0003734) in view of Chung et al. (US Patent 6,665,193).

Shively et al. teaches the invention claimed, however he does not explicitly disclose wherein a substrate comprises an elastic material. Chung et al. teaches an elastic substrate with an electrical conductive wiring arrangement (Column 4, Lines 21-22). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify the invention taught by Shively et al. to include an elastic substrate as taught by Chung et al., since Chung et al. provides a dimensionally greater tolerance and a stable material for properly placing an electrical device (Column 4, Lines 18-37).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shively et al. (US Patent 2004/0003734) in view of Lacomis et al. (US Patent 5,688,552).

Shively et al. teaches the invention claimed, however he does not explicitly disclose one or more bearers employed with the letterpress printing technique. Lacomis et al. teaches a printing press technique that has one or more bearers (Column 5, Lines 54-60). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify the invention taught by Shively et al. to include one or more bearers as taught by Lacomis et al., since Lacomis et al. teaches bearers for preventing vibration (Column 6, Lines 4-5).

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shively et al. (US Patent 2004/0003734) in view of Davidson, Jr. (US Patent 4,411,194).

Shively et al. teaches the invention claimed, however he does not explicitly disclose wherein the letterpress printing technique comprises letterset printing. Davidson, Jr. teaches a printing press invention which discloses a letterpress printing

technique with a letterset printing surface. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify the invention taught by Shively et al. to include letterset printing as taught by Davidson, Jr., since Davidson,Jr. permits letterpress printing for the purpose of providing the ability to print on one side and/or on two sides of paper in one or more colors.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson  
Examiner  
Art Unit 2854

*ney*  
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